

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

|   |   |                             |
|---|---|-----------------------------|
| <b>WASTE MANAGEMENT OF OHIO,<br/>INC.</b> | : | <b>CASE NO. 3:91cv81</b>    |
|   | : |                             |
| <b>Plaintiff,</b>                         |   |                             |
|   |   | <b>JUDGE WALTER H. RICE</b> |
| <b>v.</b>                                 | : |                             |
| <b>DAYTON, CITY OF</b>                    | : |                             |
|   | : |                             |
| <b>Defendant.</b>                         | : |                             |

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**ORDER OF DISMISSAL; TERMINATION ENTRY**

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The Court having been advised by counsel for the parties that the above matter has been settled, **IT IS ORDERED** that this action is hereby **DISMISSED**, with prejudice as to the parties, provided that any of the parties may, upon good cause shown **within 60 days**, reopen the action if settlement is not consummated.

Parties intending to preserve this Court's jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Ins. Co. of America*, 114 S.Ct. 1673 (1994), and incorporate appropriate language in any substituted judgment entry.

The Court will retain jurisdiction to enforce the terms of the settlement between the parties, if necessary.

**IT IS SO ORDERED.**

/s/ Walter H. Rice

WALTER H. RICE, JUDGE  
UNITED STATES DISTRICT COURT